

JAP:SCF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1115

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UNITED STATES OF AMERICA

- against -

ERIC RODRIGUEZ-LANDERO,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b) (2))

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EASTERN DISTRICT OF NEW YORK, SS:

GERARDO GALINDO, being duly sworn, deposes and states that he is a Deportation Officer with Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about April 24, 2010, within the Eastern District of New York and elsewhere, the defendant ERIC RODRIGUEZ-LANDERO, an alien who had previously been arrested and convicted of an aggravated felony, to wit: Attempted Robbery in the First Degree, in violation of Penal Law 160.15(1), and was thereafter excluded and removed from the United States and who had not made a re-application for admission to the United States to which the Secretary of the United States Department of Homeland Security, successor to the Attorney General, had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a) and 1326(b) (2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about April 24, 2010, the defendant ERIC RODRIGUEZ-LANDERO, was arrested by the New York City Police Department, 115th Precinct, Queens, New York, for: Robbery in the Second Degree (aided by another), in violation of Penal Law 160.10(1); Resisting Arrest, in violation of Penal Law 205.30; and Unlawful Possession of Marijuana, in violation of Penal Law 221.05.

3. Upon his arrest, ICE officials determined that the defendant ERIC RODRIGUEZ-LANDERO, pled guilty in Queens County, Supreme Court on April 24, 2001, to Attempted Robbery in the First Degree, in violation of Penal Law 160.15(1), an aggravated

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

felony offense for which the defendant was sentenced to a term of 54 months in prison.

4. ICE officials also determined that on or about September 28, 2004, the defendant ERIC RODRIGUEZ-LANDERO, had been removed from the United States pursuant to an Order of removal dated September 14, 2001.

5. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's April 24, 2010 arrest; the fingerprints taken in connection with the defendant's September 28, 2004 removal; and the fingerprints taken in connection with the defendant's arrest underlying his April 24, 2001 conviction, and determined that all three sets of fingerprints were made by the same individual.

6. A preliminary search of ICE records revealed that there exists no request made by the defendant for permission from either the United States Attorney General or the Secretary of the United States Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the Court issue an arrest warrant for the defendant ERIC RODRIGUEZ-LANDERO, so that he may be dealt with according to law.



GERARDO GALINDO
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
24th day of September, 2010

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK